



## GOVERNMENT OF PUERTO RICO

Puerto Rico Telecommunications Bureau  
President Office

February 12, 2019

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth St., S.W.  
Washington, DC 20554

Re: *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141*

Dear Ms. Dortch,

The Telecommunications Regulatory Board of Puerto Rico (“Board”) files these written *ex parte* comments in the above-referenced docket to reiterate its positions made in its Reply Comments filed September 5, 2018.<sup>1</sup> Since making its Reply Comments, the Board notes that Puerto Rico Telephone Company (“PRTC”) has reaffirmed its support for the Petition throughout the Commonwealth of Puerto Rico.<sup>2</sup> PRTC alleges that the only competitor that is “clinging to the same business model” employing UNEs at TELRIC rates is WorldNet Telecommunications, Inc.<sup>3</sup>

The Board respectfully reaffirms that if the Petition were to be applied to Puerto Rico, the analysis must necessarily include a municipio level of granularity. It is observed that competition in Puerto Rico has been primarily focused on larger municipal areas, including but not limited to the San Juan metropolitan area. Data at the Commonwealth level does not reflect the particular circumstances of individual municipios. There are many areas in Puerto Rico that have not yet experienced robust competition. Foreclosing the UNE/TELRIC avenue for such areas would impede the benefits of competition for these areas and would likely hamper competitive activity for existing competitors as well as potential new entrants in the marketplace.

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<sup>1</sup> Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (May 4, 2018) (“Petition”).

<sup>2</sup> Eduardo R. Guzman, Notice of oral and written *Ex Parte* Communication on behalf of Puerto Rico Telephone Company, WC Docket No. 18-141, November 9, 2018.

<sup>3</sup> *Ibid.*, Attachment at 14.



While WorldNet Telecommunications, Inc. continues to rely on UNE services provided by PRTC, Liberty Cable—a large wireline cable competitor for PRTC—has also urged the Commission to continue to require UNE services in Puerto Rico and deny the Petition as applied to the Commonwealth.<sup>4</sup> It is apparent there is considerable value for the marketplace as a whole to require PRTC to continue to offer UNE/TELRIC services.

The Board continues to affirm that the public interest is not served by granting the Petition. As mentioned in this docket, when infrastructure is damaged by adverse weather conditions, it is vital to have access to other networks upon which services can be provisioned in a timely manner and at established TELRIC rates. The UNE/TELRIC framework provides a secure safety net for competitors in such situations.

In summary, the Board recommends the Commission deny the Petition for the Commonwealth of Puerto Rico.

Respectfully Submitted,

/s/ Sandra Torres López

Sandra Torres López  
President

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<sup>4</sup> Richard Davis, Notice of *Ex Parte* Communication on behalf of WorldNet and Liberty Cablevision of Puerto Rico, LLC, WC Docket No. 18-141, October 29, 2018, and Comments of Liberty Cablevision of Puerto Rico, LLC, WC Docket 18-141, August 6, 2018 (Liberty Comments).

